THE HON'BLE SRI JUSTICE K.C.BHANU

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Writ Petition No.18874 of 2004

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ORDER:

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The instant writ petition is filed seeking *Mandamus* to declare the Memo.No.1328/B/2003, dated 16-07-2004, of the third respondent in refusing to consider the application of the petitioner for renewal of license, as illegal, arbitrary and contrary to law and consequently to direct the respondents to reconsider the application of the petitioner for renewal of license of the petitioner bearing No.GNT/RL-46/93, notwithstanding with the objection taken by the third respondent while directing the third respondent to allocate the works to the petitioner forthwith as usual.

The petitioner has filed his sworn affidavit in support of the writ petition. It is averred in the writ petition that petitioner-firm was registered with the third respondent herein and obtained a licence to undertake the repairing works of category I articles i.e., weights, measures, beam scales and counter machines etc., and also loan articles-chest weights, tools etc., vide License No.GNT/RL-46/93 as early as in the year 1993 and the same is being renewed from time to time. As per the application for licence, the petitioner has to show another skilled worker who works along with him. It is further averred that petitioner has submitted the application for renewal of license before the third respondent by including the name of a skilled worker viz., Syed Jeelani with a request to renew the license by paying the requisite renewal fee of Rs.50/-. That application was rejected by the third respondent vide his Memo. No.1328/B/2003, dated 16-07-2004, on the ground that Syed Jeelani is not the competent skilled worker to attend the category I articles. It is further averred that Syed Jeelani obtained a certificate from the second respondent vide Certificate No.570/97, dated 18-10-1997, which was issued on the strength of the test conducted by the Assistant Controller, Legal, Metrology, Visakhapatnam. More so, the respondents herein have renewed and issued license of one Babu Scale Corporation of Guntur town for attending Category I and II works, where the Syed Jeelani was shown as skilled worker and therefore, there is no justification on

the part of the third respondent to take an objection that the said Syed Jeelani is not competent skilled worker for considering the renewal application of the petitioner.

The learned counsel for the petitioner mainly contended that impugned order is contrary to the certificate issued by the respondents and therefore, prays to allow the writ petition.

In the counter-affidavit filed by the respondents it is stated that in the year 1997 the skilled worker certificates were issued separately for category-I & II articles as per the instructions of the Controller Legal Metrology, A.P., Hyderabad, vide D.O. letter No.14285/L1/91, dated 26-09-1997, and Syed Jeelani has not opted for Category-I articles and his certificate was issued in the new prescribed proforma basing on the old certificate for category-II articles and the said skilled worker remained to continue in M/s.Babu Scale Corporation, Guntur, to undertake the repairs of Category-I articles.

Therefore, the relief sought for in the writ petition cannot be granted. However, it is made clear that the petitioner can give the representation to the respondents, after Syed Jeelani was certified as skilled worker for category-I articles, so as to include his name.

The Writ Petition is accordingly disposed of. No order as to costs.

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K.C.BHANU, J.

30th September, 2005.

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